

Amendments to the Claims

The following listing of claims will replace all prior versions, and listings, of claims in the application:

1. through 18. (canceled)

19. (currently amended) A method for refreshing an image, the method comprising:
 - (a) capturing an image with a camera;
 - (b) sending the image to a user's computer system;
 - (c) refreshing the image, the step of refreshing the image comprising:
 - (i) capturing a refreshed image with the camera, and
 - (ii) sending the refreshed image to the user's computer system, wherein at least a portion of the step of refreshing the image is performed when a refresh period has elapsed;
 - (d) determining whether to increase the refresh period, wherein the step of determining whether to increase the refresh period comprises determining at least one of:
 - ~~(i) whether the user is inactive,~~
 - ~~(ii) whether a first period of time has elapsed, or~~
 - ~~(iii) whether a counter has reached a set value, wherein the counter is configured to count a number of times that the step of refreshing has been performed; and~~
 - (i) whether the image is visually obstructed on the user's computer system, or
 - (ii) whether the user has provided any input into the user's system; and
 - (e) increasing the refresh period in response to determining at least one of:
 - ~~(i) that the user is inactive,~~

- ~~(ii) — that a first period of time has elapsed, or~~
- ~~(iii) — that a counter has reached a set value~~
- (i) — that the image is visually obstructed on the user's computer system, or
- (ii) — that a first period of time has elapsed since the user last provided any input into the user's system.

20. (previously presented) The method of claim 19, wherein the step of increasing the refresh period comprises increasing the refresh period along an exponential curve.

21. (previously presented) The method of claim 19, wherein at least a portion of the step of refreshing the image is no longer performed after a second period of time has elapsed.

22. (previously presented) The method of claim 19, wherein the step of determining whether to increase the refresh period is performed periodically.

23. (previously presented) The method of claim 22, wherein the period for determining whether to increase the refresh period is greater than the refresh period.

24. (previously presented) The method of claim 19, wherein the step of determining whether to increase the refresh period is performed when the refresh period has elapsed.

25. (previously presented) The method of claim 19, wherein the step of determining whether to increase the refresh period is performed when a timer reaches a preset value.

26. (previously presented) The method of claim 19, wherein the step of determining whether to increase the refresh period is performed when a counter reaches a preset value.

27. (currently amended) The method of claim 19, wherein the step of determining ~~whether the user is inactive~~whether the image is visually obstructed on the user's computer system comprises determining whether a window displaying the image ~~is fully visible to the user~~the image is covered by a window.

28. (currently amended) The method of claim 19, wherein the step of determining ~~whether the user is inactive~~whether the user has provided input into the user's system comprises determining whether the user ~~is using the user's system~~has had any interaction with the user's system.

29. (currently amended) The method of claim 19, wherein the step of determining ~~whether the user is active or inactive~~whether the user has provided input into the user's system comprises determining whether a screen saver has been activated on the user's system.

30. (previously presented) The method of claim 19, further comprising permitting the user to change the refresh period.

31. (currently amended) An apparatus to refresh an image, the apparatus comprising:

- (a) a network connection, wherein the network connection is operable for communicating images from a camera to a user's computer system;
- (b) a refresh logic configured to refresh an image captured by the camera upon lapse of a refresh period, the refresh logic being configured to refresh an image by sending a refreshed image to the user's system via the network connection;

- (c) a refresh rate logic in communication with the refresh logic, wherein the refresh rate logic is configured to determine whether the refresh period should be changed, the refresh rate logic being further configured to change the refresh period in response to a determination that the refresh period should be increased, wherein the refresh rate logic is in communication with ~~at least one of:~~

~~—— (i) —— a timer, or~~

~~—— (ii) —— an activity monitor configured to monitor activity of the user, wherein the refresh rate logic is configured to determine whether the refresh period should be changed based at least in part on one or more communications from the ~~at least one of a timer or an~~ activity monitor, wherein the activity monitor is configured to monitor at least one of:~~

(i) whether the image is visually obstructed on the user's computer system, or

(ii) whether a first period of time has elapsed since the user last provided any input into the user's system.

32. (previously presented) The apparatus of claim 31, wherein the refresh period is set to infinity after a certain period of time has elapsed

33. (previously presented) The apparatus of claim 31, wherein the refresh rate logic is configured to communicate with the refresh logic periodically.

34. (previously presented) The apparatus of claim 31, wherein the refresh rate logic is configured to periodically determine whether the refresh period should be changed.

35. (currently amended) The apparatus of claim 31, wherein the activity monitor is configured to determine at least one of:

- (i) whether a window displaying the image is ~~fully visible to the user~~visually obstructed by another window, or
- (ii) whether a screen saver has been activated on the user's system.

36. (currently amended) A method for refreshing an image, the method comprising:

- (a) capturing an image with a camera;
- (b) sending the image to a user's system;
- (c) refreshing the image, the step of refreshing the image comprising:
 - (i) capturing a refreshed image with the camera, and
 - (ii) sending the refreshed image to the user,
 wherein at least a portion of the step of refreshing the image is performed when a refresh period has elapsed;
- (d) determining whether to increase the refresh period, wherein the step of determining whether to increase the refresh period comprises determining whether the user ~~is inactive~~has interacted with the user's system; and
- (e) increasing the refresh period in response to determining that the user ~~is inactive~~has not interacted with the user's system for a certain period of time.

37. (canceled)

38. (currently amended) The method of claim 36, wherein the step of determining whether the user ~~is inactive~~has interacted with the user's system comprises determining ~~at least one of:~~

- ~~(i) whether a window displaying the image is fully visible to the user, or~~
- ~~(ii) whether a screen saver has been activated on the user's system.~~

39. (previously presented) The method of claim 36, further comprising
- (f) counting the number of times the step of refreshing the image has been performed; and
 - (g) increasing the refresh period when the step of refreshing the image has been performed a certain number of times.

40. (new) The method of claim 21, further comprising visually indicating to the user that refreshing has stopped, wherein the act of visually indicating is performed after the second period of time has elapsed.

Response

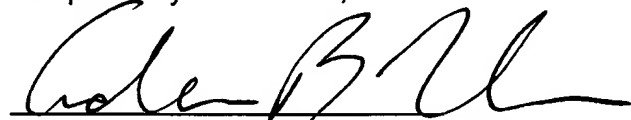
The claims were amended in accordance with the amendments above. The amendments to the claims are being made to clarify the invention and to focus the claims on those aspects of the invention which are a commercial priority to the assignee. All of the amendments are fully supported by the specification, claims, and figures as originally filed. No new matter is believed or intended to be involved.

Applicant appreciates the courtesies extended during the telephonic interview with the Examiner on 07/26/2005. The claims were amended as discussed in the interview. Applicant appreciates the Examiner's indication during the interview that the present amendments would overcome the rejections in the pending Office Action. The Applicant acknowledges that the Examiner reserved the right to supplement his search.

To the extent that the amendments constitute a narrowing of the claims, such narrowing of the claims should not be construed as an admission as to the merits of the prior rejections. Indeed, Applicant traverses the rejections and preserves all rights and arguments.

Based on the foregoing, all pending claims are in a condition for allowance. Accordingly, Applicant respectfully requests reconsideration and an early notice of allowance.

Respectfully Submitted,



Andrew B. Ulmer (Reg. No. 57,003)
Frost Brown Todd LLC
2500 PNC Center
201 East Fifth Street
Cincinnati, Ohio 45202-4182
513-369-4811 (direct)
513-651-6981 (fax)

Certificate of Mailing

The undersigned certifies that this correspondence was deposited with the U.S. Postal Service with sufficient postage as first class mail and addressed to "Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" this 27th day of July, 2005.



CinLibrary/1526352.1